

**REAL ESTATE APPRAISER BOARD
APPROVED MARCH 15 & 17, 2005 MINUTES**

**REAL ESTATE APPRAISER BOARD
MARCH 15, 2005
LIQUOR CONTROL CONFERENCE ROOM
301 CENTENNIAL MALL SOUTH
LINCOLN, NE**

Administration of Oath

At 9:00 A.M., Neal Erickson, Deputy Secretary of State, administered the oath of office to Timothy D. Kalkowski, Hickman, to serve as a member of the Real Estate Appraiser Board representing the financial institutions. Following the oath, Chairman Stoeber presented the official Real Estate Appraiser Board lapel pin to Timothy D. Kalkowski.

Opening / Notice of Meeting / Adopt Agenda

Chairman Dan Stoeber called the March 15, 2005 regular meeting of the Nebraska Real Estate Appraiser Board to order at 9:06 A.M. Members present: Vice Chairman Kevin Kroeger, James Bain, Timothy Kalkowski and Sheila Newell. Chairman Stoeber announced the notice of the meeting was published in the *Lincoln Journal Star*, a legal newspaper of general circulation in this State, as required by the public meeting law.

Chairman Stoeber acknowledged the agenda. Newell moved to adopt the agenda and Bain seconded the motion. Roll call vote: all ayes. Chairman Stoeber welcomed guests. Diane Moore, President of the Moore Group and Perre Neilan, Governmental Affairs Director of the Nebraska Realtors Association. Cay Lacey, Chair of the statute, rules and regulations committee arrived shortly thereafter. Board attorney, John Boehm, was present during the executive sessions.

Minutes of February 16, 2005

Chairman Stoeber acknowledged the minutes from the previous meeting, February 16, 2005. Correction to the minutes included the following. On page 3 under enforcement, Case #04-21 should read: Under separate Consent Agreements appraiser and supervising appraiser to complete and pass the examinations for a 2-day tested sales comparison approach and a 2-day tested income approach course by June 30, 2005. On page 4 under course approval the course number should read A2226 as this was not a new course but a revision to the current course. Kroeger moved to approve the minutes as corrected and Newell seconded the motion. Roll call vote: all ayes.

Director's Report

Director's Report was received and made a part of these minutes.

Chairman's Report

Chairman Stoeber reported that he and Vice Chairman Kroeger would be attending the ASB, the AQB and the AARO meetings scheduled in St. Louis, Missouri April 8 – April 11. These seminars and training sessions will provide support for the Board in the future. Chairman Stoeber announced that LB676 was placed on Select File March 9, 2005 and advanced for Engrossment March 14, 2005. Chairman Stoeber announced that he is now an AQB certified USPAP instructor. The Board and guests congratulated Stoeber.

February Receipts and Expenditures Report

The Board received the February 2005 expense report and is made part of these minutes. Kroeger moved to ratify the February expenses and Bain seconded the motion. Roll call vote: all ayes.

Unfinished Business / Committee Report

Cay Lacey, Chairperson, addressed the Board on the first meeting of the statute, rules and regulations committee. The summary prepared by Lacey was received and made part of the minutes. Lacey stated that the committee plans to meet next week and will keep the Board abreast of the progress of the committee.

New Business

Administrative Procedures

The Board discussed Statute 76-2223 (6) specifically relating to disciplinary proceedings. All complaints must be in writing and signed, clearly explaining the alleged violations of the Appraiser Act or Title 298 of the Rules and Regulations. Newell stated concern regarding the verification as to the alleged violation and the immediate action taken upon receipt. Members agreed that if the alleged violation is not clear the Chair or Vice Chair should be contacted prior to any action.

Mentor Program/Trans-American Institute of Professional Studies

The Board considered the mentor program submitted by Trans-American Institute of Professional Studies. The submitted program is structured in packages and has three packages for residential mentoring. The request is for the Board to endorse 100 hours of experience credit for these three packages that would include at least one complex property. Board members agreed that the training program submitted was professionally written. The program focuses on providing the mentored the opportunity to develop realistic and relevant goals. The program appears to be coordinated to provide exposure to real appraisal practice while improving the skills of the mentored. However, members agreed not to pre-approve experience hours. The Board, as to hours and areas of experience, bases this decision on the Rules and Regulations whereas each applicant's experience will be based upon the number of hours of appraisal activity and an applicant's experience shall be subject to review and determination of acceptability.

Meeting AOB course criteria

Chairman Stoeber addressed the fact that providers will be revising their courses in the near future to meet the new AQB criteria. Upon receipt of these revisions to the Board, the course number should remain the original and approved as revisions. Rules and Regulations state that after initial approval, approval of a substantial change or renewal of approval of an educational activity, the provided shall submit to the Board, at least 30 days in advance of offering the activity, a notice of scheduling of the activity in a form prescribed by the Board.

Testing

The Board received an email from John D. Bredemeyer February 15, 2005 regarding the registered credential taking the 'licensed' exam. Mr. Bredemeyer suggested that the only exam available via a national provider that measures the ability required for a registered appraiser would be the Certified General exam. After discussion, Vice Chairman requested tabling this matter until the April meeting.

Chairman Stoeber called for a short recess at 10:15 A.M. At 10:33 A.M. Stoeber reconvened.

Education & Instructor Approval

Chairman Stoeber acknowledged the seminars and instructors. Kroeger confirmed that a review of all seminars and instructors was completed prior to the meeting. Kroeger moved to approve the seminars as presented and made part of these minutes except the following:

"Expert Witness" – IRWA-CE2500 approved for 7 hours

Bain seconded the motion. Roll call vote: all ayes

Kroeger moved to approve the seminar renewals as presented and made part of these minutes. Bain seconded the motion. Roll call vote: all ayes

Kroeger moved to approve the instructors as presented and made part of these minutes. Bain seconded the motion. Roll call vote: all ayes

At 10:54 Vice Chairman Kroeger moved that the Board go into Executive Session for the purpose of reviewing qualifications of applicants and consideration of written complaints. A closed session is clearly necessary for the prevention of needless injury to the reputation of the individual or individuals involved in the personal matters relating to applications to be reviewed, performance, and disciplinary matters to be considered. Newell seconded the motion. Roll call vote: all ayes

At 12:49 P.M. Kroeger moved to come out of executive session and Bain seconded the motion. Roll call vote: all ayes

Review of Applicants

Newell moved to approve applicants R736, Kimberly Mason and CR131, Joel Perry. The motion continued to: not approve L401 with the Board recommending the applicant take a sales comparison approach and a cost approach course; not approve CG399 with the applicant submitting a mixed land use with improvements on a narrative report; and to not approve mentor due to a lack of experience and no resume. Kroeger seconded the motion. Voting aye: Bain, Kroeger, Newell, Kalkowski, and Stoeber.

Enforcement Matters

Kroeger moved to take the following actions:

- 05-09 Dismiss
- 05-08 Dismiss
- 05-05 Request copy of appraisal report and workfile
- 05-03 Invite respondent to informal conference for April meeting
- 05-02 Invite respondent to informal conference for April meeting
- 04-27 Send report out for review
- 04-21 Amend CA to appraiser and supervising appraiser to complete 2-day tested Sales Comparison Approach
- 04-06 Approve education extension to April 30, 2005
- 04-04 Approve education extension to April 30, 2005
- 03-22 Turn case over to Board attorney
- 01-34 Send report out for review
- 01-04 Authorize Kroeger to review log and make recommendation to Director

Newell seconded the motion. Voting aye: Kroeger, Newell, Kalkowski, Bain and Stoeber

Personnel / Personnel Matters

At 12:53 P.M. Kroeger moved to go into executive session to for the purpose of reviewing personnel matters. A closed session is clearly necessary for the prevention of needless injury to the reputation of the individual or individuals involved in these personal matters. The open meetings law requires a time to be given, and that time is 12:53 P.M. Newell seconded the motion. Voting aye: Newell, Kalkowski, Bain, Kroeger and Stoeber.

At 1:59 P.M. Kroeger moved to come out of executive session. Bain seconded the motion. Voting aye: Kalkowski, Bain, Kroeger, Newell and Stoeber.

Newell hereby moved this Board to terminate effective immediately the Director, Marilyn Hasselbalch with two weeks pay in lieu of notice. Kroeger seconded the motion. Voting aye: Kroeger, Newell, Bain and Stoeber. Kalkowski abstained. Chairman Stoeber directed Marilyn Hasselbalch to gather all personal belongings and to be vacated by 5:00 P.M. today. All keys, access cards and Board property are to be left with him upon departure.

Chairman Stoeber called for a recess at 2:02 P.M. At 3:40 P.M. Stoeber reconvened.

Chairman Stoeber and Vice Chairman announced that for administrative purposes, Personnell indicated that the candidate for Interim Director needed to be contacted to confirm acceptance of the position. This process has now been completed.

Newell moved to appoint Kitty Policky as Interim Director and to approve Chair to address the compensation for the Interim Director and to bring a recommendation to the Board at the Board's next regular meeting and to have the pay commence today. Bain seconded the motion. Voting aye: Bain, Kroeger, Newell, Kalkowski and Stoeber.

Newell move to approve the Chair and the Vice Chair to participate, assist and work in conjunction with the Interim Director to assemble the materials needed to address ASC compliant and for enforcement matters now pending before the Board, to hire additional support and further request the expenses incurred will be reimbursed to the members. Kalkowski seconded the motion. Voting aye: Kroeger, Newell, Kalkowski, Bain and Stoeber.

There being no further business Kroeger moved to adjourn the meeting and Bain seconded the motion. Roll call vote: all ayes Chairman Stoeber adjourned the meeting at 3:44 P.M.

Respectfully Submitted,

Sheila A. Newell
Real Estate Appraiser Board Member

**REAL ESTATE APPRAISER BOARD
THURSDAY, MARCH 17, 2005
NEBRASKA REAL ESTATE APPRAISER BOARD OFFICE
5TH FLOOR, NEBRASKA STATE OFFICE BUILDING
LINCOLN, NEBRASKA**

The Nebraska Real Estate Appraiser Board called an emergency meeting under Section 84-1411 of the Nebraska Open Meetings Law by conference call this day to make personnel decisions. At 11:02 a.m., Chairman Danny Stoeber called the roll. Those present were as follows: Sheila Newell, Board member; John Boehm, legal counsel; James Bain, Board member; Kevin Kroeger, Vice Chairman; Tim Kalkowski, Board member and Kitty Policky, Interim Director.

Kevin Kroeger moved and Sheila Newell seconded to go into executive session at 11:03 a.m. to discuss personnel matters. The purpose of a closed session is necessary for the prevention of needless injury to the reputation of the individual or individuals in these personal matters. All members voted aye.

Kevin Kroeger moved and Sheila Newell seconded to come out of executive session at 11:17 a.m.

Sheila Newell moved that the Board rescind the personnel action taken by it on March 15, 2005 regarding Marilyn Hasselbalch. Vice Chairman Kevin Kroeger seconded the motion. Voting aye: Kevin Kroeger, James Bain, Danny Stoeber, Sheila Newell, and Tim Kalkowski.

Sheila Newell moved the Board accept the letter of resignation of the Director of the Nebraska Real Estate Appraiser Board as set forth in her letter of March 16, 2005, said resignation to be effective March 31, 2005. The motion was seconded by Vice Chairman Kevin Kroeger. Voting aye: James Bain, Danny Stoeber, Sheila Newell, Tim Kalkowski and Kevin Kroeger.

Board Chairman Stoeber requested that John Boehm contact Marilyn's Hasselbalch's legal counsel and relate to them that her request has been accepted.

At 11:20 a.m. Chairman Stoeber called for a motion to adjourn. Kroeger so moved. James Bain seconded the motion. Voting aye: Stoeber, Newell, Kalkowski, Kroeger, and Bain

Sincerely,

Katherine Policky
Interim Director